Rosenberg FOIA case; Perlin affidavit: RW's followup of 1/25/76 memo on

While it is not on this subject, reading the Perlin affidavit to where I have (p. 15) and what I forgot from the earlier memo, to follow, suggest an added reason for the CIA's non-response to appeal and FBI's failure to acknowledge my request for the files on me: I'm not kidding when I say they can be of a magnitude indicated in the Rosenberg case, from those I know alone.

So, before I go further, pending my arranging for local help or perhaps even if I do it would be a good idea if you can arrange for some tape transcribing. It will take one of two forms: regular cassettes or special ones that will fit a regular machine. A friend is exploring getting me one of the Sabrimmatures, like for short dictation or memo-making. If he doesn't, once I know you have the means of doing this securely I'll get a regular machine. I'm reluctant to use the fine Sony, as I'll explain, but think I have a Mike some-here I can use on the 340.00 Panasonic. Some time ago the instructions with a good tape recorder that had a remote-control mike said not to let it stay in the record mode too long turned off with the mike because it would fl ason the return. So, while the Sony has a pause, when I can be interrupted for hours at a time, it is too easily for me to use it and run the risk of impairing it at all. I'm not going to try this I may assume have and Shirley will be here at some unannounced time and because I'm sure you will want to do all of this kind of thing as we discussed. Does to burden your projected transcriber too much or in more than one way? And as for the predictable future I won't be reading documents at my desk except in rare needs because it is ~~counter~~-indicated. This is some a greater than usual clutter on board where I sit. The new machine would be ideal if adapted to a regular machine for transcribing. If not I have an six extra good mike or two with an on-off switch that I can probably get wire to a plug that would fit the Panasonic.

Coming to the name of O. John Rogge reminds me of the number of files in which I can be (I knew him before and when he was chief of the DJ Criminal Division, but only slightly). And when Perlin says they investigated him after he was criminal chief and they knew and worked with him and investigated him prior to confirmation - when he represented Government witnesses in this case- can there be any real limit to the investigations the FBI asked? Any investigation of Rogge would also lead back to one the FBI would consider "red" although he was a leading red-baiter of his time, Gardner Jackson. That certain led to me in dozens of ways.

The largest single number of Rosenberg files in the Bresson third affidavit is on Gregory Silvermaster (mentioned by Bentley). I knew him slightly, socially, in the mid-30s. I think because a roommate of the time, one I haven't seen or heard of since before World War II, worked for him. While going to graduate school nights, as I recall. I suppose because of this that roommate was the subject of an investigation that extended to his college a to and one who also lived with us being called as a witness before some investigation and saying whatever was required to survive. I think that what I recall was HUAC. Anyway, does it not begin to spread into an enormity of nothingness? And do you think they now want either the fact or the meaninglessness public?

Perlin affidavit: Paragraphs 15ff seem relevant to the earlier memo & vice versa, his observations support us. Want him as a witness? To this point he has observed and otherwise seems to have tumbled to some of what I noted earlier.

Here you paused (vb) with the belief they are going to Pratt Perlin on "substantial compliance." I agree after reading the rest of his affidavit. From Perlin's own account I am even more convinced than when I spoke to you that the FBI has selected the high-risk as we like this and ours to run their risks on to amend the law in court. If they let the truth out they are bad off. If they run risks, the risks are lower because if they don't they are surely hurt. I think that while the Rosenberg case will get more attention because of its past, they are more humgup on ours because ours can hurt those now in the FBI. Like Frazier has to go. This further thinking impels me to urge greater consideration of the new approach I suggested in the earlier memo, on their technical

arguments.

Just as I finished reading the affidavit (not the motion) the witnesses came and when they left we went to bed. This is the next morning with my my reflexs I've only a few minutes before having to leave for blood-testing. So, I'll probably have forgotten much of what I noticed in reading the affidavit and thing under these conditions the most productive thing is to go into the political situation. Whether or not any judge is influenced by it we'll be wiser to assume the possibility at least. So,we want to put before that judge what can either help a judge wanting to be honest or deter anyone less than a Pratt and in any event make the best possible record.

The political situation of influence at the moment is the fact that the Congress is going to come as close as it dare to whitewashing the spook agencies. Judges may well read this as Congressional intent depsite the FOIA law.

You and I have always concentrated on making a good record and I think in every case we have. We have always taken the initiative and in these cases we will. However, we can take initiatives other than we have. We face Green first. Therefore I think if we can't file prior to that hearing, formality that it will be, we should use it for initiatives. Like those pages from the List of Basic Source Materials to illustrate the stonewalling we have been facing. Maybe the Calhoun mess, which is already before her with the failure of the DJ to answer my letter documenting what is missing and us also asking for contempt action if there is non-compliance, combined with a request for a chance to prove non-compliance with witnesses on both sides if there is not prompt delivery. If you thinks this fits Green. I've confused it a bit with what belongs before Jones. With Green the record in other cases, the leaking of what has been denied me, the fact that every single case of these claims over the years has been proven wrong once we pried the stuff loose. The two transcipts in particular with parts read.

5:20 p.m. I had just started to write you about another matter when you called. So I can dispense with that and try to pick up these threads. After a rough day.

I've gotten out my List of Public Source Materials. I recommend giving Green the first three pages and begin by noting that it say "In possession of Commission as of February 1, 1964," long after there was any Commission. Pages two and 3, CDs 22-68, inc., are all of FBI origins and without exception are titled by subject, "Oswald, Internal Security, Russia."So are 11 of the 21 items on Page 1. One of these 11 (CD12) merely adds "Cuba." Another, CD13, in stead of "Oswald" substitutes "(Assaulting a Federal Officer)" Of the remaining 8 i tems, all but three are of FBI origins. One of these (CD14) is Details of telephone calls received re: Supports." Three are titled "Oswald" only. (CDs 5-7) (And what a story there is on CD 7 alone on this subject. Or 5.Any, in fact, and while it would take time to collect, they don't all deal with Oswald.) CD4 is "Ruby (3 volumes)". And CD1 is "Summary (5 volumes)."

This ought inform Green.

When we pick up with what I've twice written Tyler, that they have provided no proof they have not complied, and despite my sending it certified, no response. Then with my letter to Aresson saying their fore letters don't even reflect any identification of the request to which they (do not) respond. Then an affidavit to which I attach sample from standard sources of how the scientific tests are recorded and interpreted, among whatever else you think should be included and a statement of what they have given me, like the only result of spectroscopy on the King clothing is Pb or lead. Then a couple of samples of proof of withholding in 75-226, where they requests the request earlier and then provided proof they were withholding what they had after the rewriting. And with the unconested proof we told them included. What I'm really saying is that in this case we pick one maybe two key parts and hit hard and then make allegations on others, saying I know of other things they have and are withholding and fear that if I list them all they'll never admit having anything other than 4 itemize.One examplexthat may throw them is pictures of the scene of the crime. I can swear that I know of pictures they have, who took them, how they got them and can identify each picture with a film number. Believe me, I can. We might want samples of more but I think Green is overloaded on the Rosenberg

case and we should not overlook here further. Comprehensibility, solidity of the few documented cases, the record of the suit and factual allegations ought to be enough. It also should be the kind of thing that is consistent with what she has been saying, to make a clear repetition of s/ pattern for her. With/without or "foot-dragging" being both policy and wrong- he wants no part of it - it might do something with a formal calendar call. It would take the initiative, if we pull their trick and file it then or just before, which is the soonest we not can.

If we can I favor before so our hats can continue white and so that they it to respond to before her. As part of whatever you lawyers call an answer to an "/answer."

It is now going on 8 p.m. so except with what you should know about me and the FBI files on me I'll merely repeat the cryptic notes I made as I continued the Perlin affidavit. Numbers are to his paragraphs:

24 - in 75-226 appeal?

25 - on routing slips (like we got none-ever)?

26 - last sentence?

30 - last sentence is the opposite of what Bronson told us 3/75, 6 1/2 months earlier. Aside from us being able to attest, it is referred to in my correspondence and endorsed by Bronson. We help them?

Forgot to write number - do we want to make this kind of move in the King case? To ensure preservation? I think this had to refer to an inventory and when we talked I'd referred to a meaning ful inventory, not like the List of 84 ic Source Material: subjects.

45 - do we want Perlin affidavit on this stonewalling for King case?

As I was reading this it occurred to me that we should prepare for them to argue in CA on 75-226 that it is "burdensome." I think the basic response is that they created all the burden and precisely for this purpose- that honest response presented no burden. If it did the FBI could not function at all. It has to have instant retrieval of its info. In this case they created all the burden in the FBI, DJ, US attorney's office and courts by a deliberate contrivance- to build phoney statistics for this kind of use and to deny me the public info. I asked for and to frustrate and seek to rewrite the law in an area where for them to be honest is for them to expose their own dishonesties in the very touchy area of the assassination of a President.

When I see what one of the documents Perlin attaches can be with respect to the magnitude of their files on me I'm impressed, to put it mildly. I'll just make a few notes of how I should expect to appear in files on those mentioned in Perlin's Exhibit 1:

Harold November- friend of friend of mine in unions, my friend then and since strong red-baiter. I knew November slightly. This says we were practically neighbors,too.

Mike Turner's Arena peace rally: I'm almost sure this is one to which I drove Paul Robeson. Now it seems they took all the license numbers. So, you may as well know, I then had a 37 Dodge, not Robeson to the airport, etc.

Klitcher and Sobell lived in the same apartment house in which I had until I met Lil. I left it years earlier than this report places them there and never knew them. But there will be more on this building, which provided a convenient, walking location, plenty of space and low rents. We had 4 rooms for, as I remember, $60.00 and month. Four of us hatched it, with guests from time to time.

Annie Goodman Allen had been the wife of Ben Allen, a refugee from a high post in the sugar trust, I think from Phila. Ben and I worked together for the Senate. If they were not separated when I met Ben, it was not long there-after. When separated and years later she seem to have rented the apt. I had. I remember being the e once: party for Richard Wright. I know one of her daughters slightly, but the names here do not correspond to my recollection.

William Remington later lived there too? Could I have left too soon?

No, I never knew or met Keadington. Or Dietrich, Jowell, the Rosenbergs, etc. But I once had a boss who had met Bentley. He was really persecuted, around the world, especially in Mexico. He went to Cuba and didn't like it. Teaching again and has published an anti-Castro book.

But this is from one of those uncounted and countless thousands, perhaps hundreds of thousands of documents. And I'll forgotten about all of this. They'll not have a file on the Republican from high-school days who was one of us. But I got him the job that was to be his lifetime career, with a Republican friend of mine in a Republican state and to hold that he'd probably have said anything. Especially after I offer a low opinion of a manuscript on a Black Reconstruction Senator from Mississippi, probably his one daring adventure into liberalism.

My God! It will take a mortgage on my house to pay for their filesom sel I think we'll want to consider a different approach of which this will be part& as suing them for damages with what they did with that horrendous stuff. Aside from many other factors, just think what it cost me when I was farming and Ike wanted to buy my chickens after Mamie tasted them at the Dulles' and the Secret Service investigated me and the FBI fed them all that kind of poison. The agent, by the way, was one Griffith. He came on a Saturday afternoon when I went up to the house to meet him covered with a mixture of sawdust from carpentry and chickenshit and Lil had made one of her then typical jokes, maybe about McCarthy. Mike wrote both of us farewell, though and sent a non-agent to me the day after he was renominated in San Francisco- the guy who later wrote the book. He invited us to the White House but ~~him~~ separately, during the campaign, but when we were told that we were to be photographed with him - this didn't bug either of us - and then came out and say we were going to vote for him (Nixon?) we both declined, separately. He and his didn't consult the FBI on Jewish-farm votes. Women's, too.

Back to the cryptic notes. I have one asking about in camera inspection in the 226 appeal and 1448 and 1936 on what Calhoun calls "foot-dragging" and I stonewalling, for ~~me~~ all the internal memos like Calhoun's. Can we use the Calhoun memo to amend the appeal? Do we want to? Do we want to use it to ask the court to ask for this? Can we? ~~Will~~ Can it?

Where did I go wrong in the past year? How could I have survived so much of which this so minor a part without ever being hospitalized for illness (by the Army, of course, as the one exception), of never otherwise ever being unable to get out of bed, and now have this pair of illnesses? Have I suddenly started keeping bad company?

Worry, worry-

Head for the high ground! Lil thought I should relax with Archie Bunker. And who is the guest star? Jack Gilford, who I also knew a little before McCarthy. When he did work for a real Communist.